OFFICE OF THE

AUDITOR GENERAL

Review Of The Unauthorized Release Of The Workers Compensation Board Report

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Review Of The Unauthorized Release Of The Workers Compensation Board Report

Report to the Legislative Assembly

March 2006

Office of the Auditor General
MANITOBA

Office of the Auditor General
500 - 330 Portage Avenue
Winnipeg, Manitoba R3C 0C4

March 2006

The Honourable George Hickes
Speaker of the House
Room 244, Legislative Building
Winnipeg, Manitoba
R3C 0V8

Dear Sir:

I have the honour to transmit herewith my report on the *Review of the Unauthorized Release of the Workers Compensation Board Report* to be laid before Members of the Legislative Assembly in accordance with the provisions of Section 28 of The Auditor General Act. This report is being made and provided pursuant to Section 11 of The Auditor General Act.

Respectfully submitted,

Jon W. Singleton, CA•CISA
Auditor General

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Our report on the Workers Compensation Board was released in an unauthorized manner in advance of its submission to the Speaker of the Assembly. As a result of this, my Office engaged investigative consultants to obtain information as to how the unauthorized release occurred.

The Auditor General Act requires the Auditor General to submit his reports to the Speaker of the Legislative Assembly. Upon receipt of the report, the Speaker must direct that copies be sent to Members of the Legislative Assembly. The legislated process and the longstanding Canadian tradition that reports of officers of the legislature be provided first to the Members of the Legislative Assembly is an important part of the process in ensuring that the work of legislative officers is disseminated and communicated in an effective and accurate manner. The unauthorized early release of the WCB Report interfered with this legislated process.

This concern was also expressed by the Speaker of the House when he wrote to us on January 18, 2006 and stated in his letter:

> *"In order to avoid contravention of the parliamentary privileges of Members, it is vitally important that reports from Independent Offices are provided to the Speaker and MLAs prior to being released to the media."*

I hope that this report will serve as a reminder of the importance of respecting the legislation under which we operate. I believe that the actions we have taken, as outlined in this report, underscore the importance my Office places on reporting the results of our work in accordance with our Act.

Jon W. Singleton, CA•CISA

1.0 Executive Summary

A review of the unauthorized early release of the Workers Compensation Board Report (WCB Report) was initiated by the Office of the Auditor General (OAG) as result of a news story broadcast by CTV television station on the 6:00pm newscast on January 16, 2006 and newspaper articles in the Winnipeg Free Press and Winnipeg Sun morning editions of January 17, 2006.

Additionally, the OAG became aware of comments and details related to the WCB Report posted on a "blog" website, known as "The Black Rod". Comments were posted on the blog at 10:07am on January 16, 2006, and predicted some contents of the WCB Report. The blog is operated by a person or persons unknown.

The unauthorized release of information contained in the WCB Report raised concern from two perspectives:

1. That there may be security vulnerabilities within the processes or systems of the OAG, or the OAG external service providers, that were exploited to allow unauthorized distribution of confidential information prepared by the OAG; and
2. That there may be a person or persons with malicious intent employed within the OAG or within the OAG external service providers.

On January 17, 2006, the OAG contracted with a licensed investigative consultant to conduct a review on our behalf and provide us with information that would enable the preparation of a report on this matter for the Legislative Assembly of Manitoba. On January 24, 2006, the OAG contracted with a second licensed investigator to assist with this work.

Their review concluded that:

- The OAG was not the source of the WCB Report presented on the CTV newscast on January 16, 2006.
- Procedures of the External Website Manager to the OAG permitted access to the WCB Report for a period of time prior to its release. This copy was accessed by a representative of the Manitoba Federation of Labour (MFL). However, this copy was not the source of the WCB Report presented on the CTV newscast on January 16, 2006. The WCB Report on the website was not accessed from the website by anyone other than the MFL.
- The material provided to CTV, the Winnipeg Free Press and the Winnipeg Sun likely originated from a common source.
- The only identified file exhibiting printer registration marks that duplicate the appearance of the WCB Report as shown on the CTV newscast, is the file prepared and stored at the Printer.
- The early and unauthorized distribution of the WCB Report was most likely an intentional act of someone with access to computer data within the offices of the Printer used by the OAG.

- Persons unknown are believed to have compromised the OAG and the Printer by removing the electronically saved WCB Report from the Printer, printed the file off site, and distributed the WCB Report to the Winnipeg media.

Based on their review, the investigators recommended that:

- The procedures at the External Website Manager be strengthened to ensure that OAG reports cannot be prematurely accessed from the website.
- The business relationship with the Printer be suspended until responsibility for the unauthorized distribution of the Printer's version of the WCB Report is resolved.
- Furtherance of this matter is best undertaken by a referral by the OAG to the Commercial Crime unit of the "D" Division RCMP to request that they undertake an investigation to identify the person or persons responsible for distributing copies of the OAG report on the WCB without authorization, and to determine if offences have been committed under the following sections of the Criminal Code:

  Section 342.1(1) Unauthorized use of computer

  "Every one who, fraudulently and without colour of right,
  (a) obtains, directly or indirectly, any computer service..."

  Section 430(1.1) (d) Mischief in relation to data

  "Every one commits mischief who willfully...(d) ...interferes with any person in the lawful use of data..."

Further to these recommendations, the OAG has:

- Completed discussions with the External Website Manager. Procedures at the External Website Manager have been put into place to ensure that a future OAG report cannot be prematurely accessed from the website.
- Suspended the business relationship with the Printer; and
- Made a referral to the RCMP on Wednesday, March 22, 2006.

2.0 Background

The OAG conducted a review of the Workers Compensation Board (WCB) between October 2004 and November 2005. The results of this review were compiled into a report in preparation for a formal release to the Speaker of the House, the Members of the Legislative Assembly, and then the public scheduled for January 17, 2006 at 11:00am.

In preparation for the formal release of the WCB Report, a copy was provided on compact disk (CD) to an external Printer on Thursday, January 12, 2006. A proof copy or "blueline" copy was immediately produced by the Printer and provided to the OAG on January 12, 2006 to review and, if necessary, make any final edit changes. Final edit changes were provided to the Printer by fax on Friday, January 13, 2006.

A final version of the WCB Report was provided on CD to the OAG's External Website Manager on Friday, January 13, 2006. This version incorporated the final edit changes.

A document that appears to be a copy of the WCB Report was shown on the CTV television 6:00pm newscast on January 16, 2006, and details from the WCB Report were disclosed. The Winnipeg Free Press and Winnipeg Sun newspapers both reported on additional details from the WCB Report in their morning editions on January 17, 2006.

Additionally, the OAG became aware of comments and details related to the WCB Report posted on a "blog" web site, known as "The Black Rod". Comments were posted on the blog at 10:07am on January 16, 2006, and predicted some contents of the WCB Report. The blog is operated by a person or persons unknown.

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3.0 Objective and Scope

The objective of the review was to determine how the unauthorized release of the WCB Report to the media occurred and to identify who may be responsible for obtaining and distributing an unauthorized copy or copies of the WCB Report to the media. This involved:

- Determining the means by which the report was obtained;
- Determining the source from which the report was obtained;
- Determining if a copy of the WCB report was available on the OAG website prior to the scheduled official release; and
- Determining if a copy of the printed report was provided to the media (CTV, Winnipeg Free Press and Winnipeg Sun).

Based on information available, the time period in which an unauthorized release may have occurred was defined to be between January 12 and January 16, 2006.

This review involved interviews/enquiries with the External Website Manager used by the OAG and certain of their staff; the Printer used for the WCB Report and certain of their staff; representatives of the MFL; staff within the provincial government; representatives of the media; and staff within the OAG. Various forms and types of documentation were reviewed, as well as the video of the CTV January 16, 2006, 6:00pm newscast.

This report is being made pursuant to Section 11 of *The Auditor General Act*.

4.0 Observations

4.1 MEDIA ENQUIRIES

While none of the media would disclose the source of their information, they did provide sufficient information upon which to believe the material each had received was likely all from the same source.

A thorough examination of the CTV 6:00pm news broadcast on January 16, 2006, resulted in a number of conclusions:

- The material exhibits unique "printer registration marks," consistent with the manner a commercial printer would prepare a document for printing.
- The WCB Report exhibits an appearance consistent with a pre-edited version of the WCB Report.
- Members of the Winnipeg media had possession of the WCB Report on Monday, January 16, 2006.
- Based on appearance, the material provided to each of the media outlets likely originated from the same source.

4.2 REVIEW OF THE OAG

A review of the OAG security logs and the building admittance logs by the licensed investigators did not identify any suspicious occurrences or entries.

- There is no evidence that the WCB Report was inappropriately copied, reproduced, or otherwise distributed within or from the office of the OAG.

- The printer registration marks in the software owned by the OAG do not have the same appearance as the printer registration marks evident on the WCB Report shown by CTV.

A malfunction of the alarm system protecting the OAG occurred overnight on Sunday, January 15, 2006. However, the alarm continued to function and only the ability to disarm the alarm was affected. Repairs to the alarm system were implemented immediately on Monday, January 16, 2006. There was no compromise to the security of the OAG and no evidence of unauthorized access to the OAG, or to the computer systems of the OAG.

4.3 REVIEW OF THE COURIER SERVICE

A review of the courier service that conveyed the WCB Report on CD to the OAG External Website Manager, did not identify evidence of tampering or unauthorized access to the CD containing the WCB Report, while in their possession.

No Courier Service was required for the CD provided to the Printer. The Printer directly handled the pick-up of the CD and the delivery of the "blueline" copy.

4.4 REVIEW OF GOVERNMENT OF MANITOBA EMPLOYEES

There is no evidence upon which to believe that a Government of Manitoba employee was directly involved in the unauthorized release of a copy of the WCB Report to the media.

4.5 ENQUIRIES WITH MANITOBA FEDERATION OF LABOUR

During the early stages of this review it became known that a copy of the WCB Report had been obtained by the Manitoba Federation of Labour (MFL) on January 16, 2006 from the OAG website that is hosted externally.

An examination of the document downloaded by the MFL employee determined that it was a final version of the WCB Report. This document did not exhibit the printer registration marks seen on the material shown on the CTV newscast.

- The WCB Report downloaded from the OAG externally hosted website is not the report shown on the CTV 6:00pm newscast on January 16, 2006.
- At approximately 3:17pm, January 16, 2006, the WCB Report was downloaded from the OAG website by a MFL employee.
- The MFL employee e-mailed a copy of the WCB Report within the MFL office on January 16, 2006.
- The MFL employee provided an electronic copy of the downloaded WCB Report to the Chief of Staff in Executive Council of the Government of Manitoba and to an executive with the MFL before noon on January 17, 2006.
- There is no indication that the downloaded WCB Report was distributed further.

4.6 REVIEW OF THE EXTERNAL WEBSITE MANAGER USED BY THE OAG

The computer logs and security information from the External Website Manager were reviewed and employees of the company were interviewed.

- The WCB Report was available on the OAG externally hosted web site on January 16, 2006 between approximately 12:00pm and 3:18pm. This was a version that included the final edit changes.
- Availability of the WCB Report on the OAG externally hosted web site between 12:00pm and 3:18pm on January 16, 2006 occurred as result of an error within the office of the External Website Manager.
- The WCB Report was not posted to the website for any malicious or vexatious reason.
- Access and downloading of the WCB Report by the MFL employee was a fortuitous event for the MFL employee.
- There is no evidence that the WCB Report was accessed and downloaded from the website by anyone other than the MFL.

4.7 REVIEW OF THE EXTERNAL PRINTER USED BY THE OAG

The Printer used by the OAG uses an information technology (IT) consulting company for information technology and security. This IT consulting company conducted a review on the Printer's computer systems and concluded that nothing was detected that would jeopardize the security of the Printer's local area network or indicate unauthorized access from outside of the Printer's system.

Additional enquiries and examinations were conducted by the investigators engaged by the OAG.

The Security Log feature for complete tracking of activities within the Printer's computers was not enabled (i.e., tracking of file activity: burning CDs, etc., were not being recorded). This restricted the examination the investigators were able to undertake.

During interviews of the Printer's owners and employees on February 24, 2006, the following was determined:

- Printers registration marks can be re-installed or created on material downloaded from the web.
- The Printer provided twelve examples prepared by their graphic designer of re-installed printer registration marks.
- The examples displayed a variety of registration marks. However, none were identical to the marks discernable on the material shown on the CTV newscast.

- An example created by the Printer's graphic designer at the OAG office using OAG software was not identical to the material shown on the CTV newscast.
- An example of the WCB Report provided to investigators on January 17, 2006 by the operations manager at the Printer, appears to exhibit printer registration marks that duplicate those on the WCB Report shown on the CTV newscast.
- The graphic designer confirmed that exact duplication of printer registration marks is dependant on having the same software and a printer with the same print options as the printer used by the Printer.
- The graphic designer stated he is a graphic artist with specialized software training and that a computer programmer, without such training, would probably not be capable of recreating the registration marks due to the specialized software knowledge required.
- The Printer is the only source identified as having a file, exhibiting duplicate printer registration marks to those on material shown on the CTV newscast.
- The only computer identified as retaining the original (unedited) version of the WCB Report is the Printer's computer.

5.0 Conclusions

- The OAG was not the source of the WCB Report presented on the CTV newscast on January 16, 2006.
- Procedures of the External Website Manager permitted access to the WCB Report for a period of time prior to its release. This copy was accessed by a representative of the Manitoba Federation of Labour (MFL). However this copy was not the source of the WCB Report presented on the CTV newscast on January 16, 2006. The WCB Report on the website was not accessed from the website by anyone other than the MFL.
- The material provided to CTV, the Winnipeg Free Press and the Winnipeg Sun likely originated from a common source.
- The only identified file exhibiting printer registration marks that duplicate the appearance of the WCB Report as shown on the CTV newscast, is the file prepared and stored at the Printer.
- The early and unauthorized distribution of the WCB Report was most likely an intentional act of someone with access to computer data within the offices of the Printer used by the OAG.
- Persons unknown are believed to have compromised the OAG and the Printer by removing the electronically saved WCB Report from the Printer, printed the file off site, and distributed the WCB Report to the Winnipeg media.

6.0 Recommendations to the OAG from the Investigators

- Ensure that the procedures at the External Website Manager be strengthened to ensure that OAG reports cannot be prematurely accessed from the website.
- Suspend the business relationship with the Printer until responsibility for the unauthorized distribution of the Printer's version of the WCB Report is resolved.
- Request the Commercial Crime unit of the "D" Division RCMP to undertake an investigation to identify the person or persons responsible for distributing copies of the OAG report on the WCB without authorization as per the following sections of the Criminal Code:

  Section 342.1(1) Unauthorized use of computer

  "Every one who, fraudulently and without colour of right,
  (a) obtains, directly or indirectly, any computer service..."

  Section 430(1.1) (d) Mischief in relation to data

  "Every one commits mischief who willfully...(d) ...interferes with any person in the lawful use of data..."

7.0 Actions Taken by the OAG

The following steps have been taken by the OAG to reduce the risk of a future occurrence:

- Discussions with the External Website Manager have taken place. Procedures at the External Website Manager have been put into place to ensure that a future OAG report cannot be prematurely accessed from website;
- The business relationship with the Printer has been suspended; and
- A referral was made on Wednesday, March 22, 2006 to the RCMP.